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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,459	05/18/2001	Tatsuya Mitsugi	Q64099	3961
7590 01/14/2005 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC SUITE 800 2100 PENNSYLVANIA AVE., N.W. WASHINGTON, DC 20037			EXAMINER FERGUSON, KEITH	
			ART UNIT 2683	PAPER NUMBER

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,459

Applicant(s)

MITSUGI, TATSUYA

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokev et al., newly recited reference.

The claimed invention reads on Yokev et al. as follows:

Regarding claim 17, Yokev et al. discloses a network system for communicating accurate time information to a plurality of communicating devices (fig. 1, col. 2 lines 5-30, col. 4 lines 45 through col.5 line 25 and col. 6 lines 7-12) comprising: a first communicating device (fig. 1 number 10) receiving time information from a remote source and transmitting time data comprising the received time information adjusted by a processing time in the first communicating device (col. 4 lines 45 through col.5 line 25 and col. 6 lines 7-12); and a second communicating device receiving the transmitted time data and adjusting clock of the second communicating device using the received time data (col. 2 lines 5-30, col. 4 lines 45 through

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col.5 line 25 and col. 6 lines 7-12), wherein the processing time comprises a lapsed period of time (propagation delay) from a moment when the first communicating device received the time information to a moment when the first communicating device is ready to transmit the received time information (col. 2 lines 5-30, col. 4 lines 45 though col.5 line 25 and col. 6 lines 7-12).

Regarding claim 18, Yokey et al. discloses wherein the processing time further comprises an identification number (serial number) to match the calculated processing time with the received time information (col. 6 lines 5-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3,5,6 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witsaman et al. in view of Yokev et al., newly recited reference.

Regarding claims 1,5,6,15 and 16, Witsaman et al. discloses a network system (fig 1 and fig. 2) connecting plural information communicating devices (paging station controller and pagers) (fig. 2 numbers 24 and 42) for communicating information to each other through a communication network (wireless network) (PSTN) (fig. 1, fig. 2, col. 3 lines 1-40 and col. 5 line 46 through col. 6 line 60), each of the information communicating devices comprising: a receiving means for receiving information including a first time (i.e. time from satellite) information having a time data attached (i.e. the paging station controller (time counter controller 54) receives a time reference from a satellite) (fig. 2 number 24, col. 5 lines 48-55 and col. 6 lines 1-8), and a transmitting means (broadcasting means) (fig. 1 number 40) for transmitting synchronized information to other pagers (fig. 1 numbers 24,29,34 and 44 and col. 5 lines 3-47). Witsaman et al. differs from claims 1,15 and 16 of the present invention in that it does not disclose receiving means for receiving a first reliability data and transmitting means for transmitting a second reliability data, wherein the second reliability data indicates a reliability of the first time information included in the second time information and the second reliability data is calculated in a device transmitting the information. Yokev et al. teaches a time of arrival center (10) for receiving a time of day message containing a time reference from a paging transmitter wherein an exact propagation delay is known (col. 2 lines 5-30, col. 4 lines 45 though col.5 line 25 and col. 6 lines 7-12), from the propagation delay the time of arrival center (10) calculates the exact time of reception and then assembles the next time of day message into the current time of day and sends it to a paging terminal (col. 2 lines 5-30, col. 4 lines 45 though col.5 line 25 and col. 6 lines 7-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Witsaman et al. with receiving means for receiving a first reliability data and transmitting means for transmitting a second reliability data, wherein the second reliability data indicates a reliability of the first time information included in the second time information and the second reliability data is calculated in a device transmitting the information in order to synchronize the network so that the

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pager station controller and pagers are synchronized with the propagation delay of the satellite reference clock signal when transmitting and receiving pages, as taught by Yokey et al..

Regarding claims 2 and 14, Witsaman et al. discloses a time data generating means for generating a own time data of own device (col. 3 lines 1-38 and col. 6 lines 5-31), a time data extracting means for extracting said first time information having said time data with said reliability data from said information received by said receiving means (col. 3 lines 1-38 and col. 6 lines 5-31), a time data comparing means for comparing said own time data with said time data with said reliability data in said first time information (col. 3 lines 1-38 and col. 6 lines 5-31), and a time correcting means for correcting said time generating means based on a comparison result by said time data comparing means (col. 3 lines 1-38 and col. 6 lines 5-31).

Regarding claim 3, Witsaman et al. discloses said time data comparing means compares said own time data when said time data with said reliability data in said first time information is within a predetermined range (col. 9 lines 50-66).

Regarding claim 9, Witsaman et al. discloses own reliability data attached to said first time information is based on a processing time required from receiving to transmitting in the information communicating device (col. 7 lines 2-17).

Regarding claim 10, Witsaman et al. discloses said reliability data attached to said time data in said first time information is based on the number of said information communicating devices through which said time data passed (col. 7 lines 17-32).

Regarding claim 11, Witsaman et al. discloses a time data extracting device for extracting said time data transmitted from a GPS satellite (col. 6 lines 5-31), wherein said time data extracting device transmits a time information including said time data attached with a reliability data of own device to said information communicating device (col. 6 lines 5-31).

Regarding claim 12, Witsaman et al. discloses said information communicating device requests said time data

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extracting device to transmit information including said time data (col. 6 lines 5-8).

Regarding claim 13, Witsaman et al. discloses a information communicating device (paging station controller) (fig. 1 number 24 and fig. 2 number 24) for communicating information with other information communicating devices (fig. 1 numbers 24 and 42 and fig. 2 numbers 24 and 22) through a communication network (fig. 1 and fig. 2), the information communicating device (fig. 2 number 24) comprising receiving means for receiving information including a first time (i.e. time from satellite) information having a time data attached (i.e. the paging station controller (time counter controller 54) receives a time reference from a satellite) (fig. 2 number 24, col. 5 lines 48-55 and col. 6 lines 1-8), and a transmitting means (broadcasting means) (fig. 1 number 40) for transmitting synchronized information to other pagers (fig. 1 numbers 24, 29, 34 and 44 and col. 5 lines 3-47). Witsaman et al. differs from claim 13 of the present invention in that it does not disclose receiving means for receiving a first reliability data and transmitting means for transmitting a second reliability data, wherein the second reliability data indicates a reliability of the first time information included in the second time information and the second reliability data is calculated in a device transmitting the information. Yokev et al. teaches a time of arrival center (10) for receiving a time of day message containing a time reference from a paging transmitter wherein an exact propagation delay is known (col. 2 lines 5-30, col. 4 lines 45 through col. 5 line 25 and col. 6 lines 7-12), from the propagation delay the time of arrival center (10) calculates the exact time of reception and then assembles the next time of day message into the current time of day and sends it to a paging terminal (col. 2 lines 5-30, col. 4 lines 45 through col. 5 line 25 and col. 6 lines 7-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Witsaman et al. with receiving means for receiving a first reliability data and transmitting means for transmitting a second reliability data, wherein the second reliability data indicates a reliability of the first time information included in the second time information and the second reliability data is calculated in a device transmitting the information in order for the pager station controller to synchronized the pagers with the propagation delay of the satellite reference clock signal when broadcasting pages, as taught by Yokev et al..

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5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witsaman et al. in view of Yokev et al. as applied to claim 1 above and in further view of Sayers et al..

Regarding claim 4, the combination of Witsaman et al. and Yokev et al. differs from claim 4 of the present invention in that they do not disclose said communication network includes internet. Sayers et al. teaches an internet network (fig. 1 number 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made To modify the combination of Witsaman et al. and Yokev et al. with said communication network includes internet in order to synchronized the paging terminal clock when communicating through the an internet web site, as taught by Sayers et al.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witsaman et al. in view of Yokev et al. as applied to claim 1 above and in further view of Nemovicher.

Regarding claims 7 and 8, the combination of Witsaman et al. and Yokev et al. differs from claims 7 and 8 of the present invention in that they do not disclose said second time information is transmitted by an E-mail or web. Nemovicher teaches time information is received from satellite communication and transmitted by an E-mail (inherently for transmitting e-mail, taught in paragraph 0057 lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Witsaman et al. and Yokev et al. with said second time information is transmitted by an E-mail or Web in order to send an e-mail message through an internet network to the paging terminal to synchronize the paging terminal clock, as taught by Nemovicher.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be

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reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson

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December 7, 2005

